



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

Regional Course in International Law
Santiago de Chile, 24 April 2017-17 May 2017

Opening statement

By

Mr. Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs and
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Economic Commission for Latin America and the Caribbean

Excelentísimo Embajador Milenko Skoknic, Subsecretario Subrogante de Relaciones Exteriores de Chile,

Señor Antonio Prado, Secretario ejecutivo adjunto de la Comisión Económica para América Latina y el Caribe,

Juez Kevin Riordan, de la Corte Marcial y Juez Abogado General de Nueva Zelanda,

Queridos compañeros de las Naciones Unidas,

Queridos participantes al Curso regional de derecho internacional de Naciones Unidas para América Latina y el Caribe,

Es para mí un honor y un placer estar hoy con ustedes aquí, en Santiago de Chile, para la ceremonia de apertura de este Curso regional. Una apertura diferida por compromisos adquiridos previamente no muy lejos de aquí, en países de los que algunos de ustedes provienen, así como con una organización internacional del sector justicia en el ámbito iberoamericano.

No obstante, no quería dejar de venir a saludarles y brindarles unas palabras de bienvenida.



Permítanme que pase al inglés para esas palabras que, más allá de la bienvenida, pretenden ser de apoyo a esta iniciativa crucial de la Oficina de Asuntos Jurídicos que son estos cursos regionales de derecho internacional.

In 1965, the General Assembly decided to establish the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to provide a better knowledge of international law “as a means for strengthening international peace and security and promoting friendly relations and co-operation among States”. This programme has provided the foundation for the efforts of the United Nations to promote international law for more than half a century.

The Regional Courses in International Law have been one of the cornerstones of this programme since 1965. These courses provide a unique opportunity for lawyers from a particular region to study international law with an emphasis on legal issues that are of particular interest to the region. They also provide a unique opportunity for these lawyers to exchange views and gain a better understanding of how these issues are being addressed in their different countries of the region and explore common approaches to the global challenges of our time. I note with appreciation that our ECLAC colleagues will be organizing a session on regional issues relating to the development of soft law in the region and to the current negotiations on a new legal instrument relating to access rights to information, participation and justice on environmental matters. In this regard, let me mention that two days ago I was in a meeting of the Conference of the Ministers of Justice of the Iberoamerican countries. They are currently discussing the establishment of a sort of Regional International Law Commission, which would focus on the compilation of the international law developed at the international level.

During the first five decades of the Programme of Assistance, the Regional Courses suffered from insufficient funding and the inefficiencies inherent in conducting the courses in different countries. From 1965 to 2016, there were only seven Regional Courses for Latin America and the Caribbean. These courses were held in Ecuador in 1969, Venezuela in 1973, the Bahamas in 1977, Argentina in 1983, Brazil in 1988, Ecuador again in 2004 and Uruguay in 2016.

When I joined the United Nations as Legal Counsel, I made the Programme of Assistance one of the priorities of the Office of Legal Affairs. With the support of Member States, we succeeded in obtaining regular budget funding



to ensure that the regional courses could be held every year. We have also identified permanent venues for these courses to achieve greater efficiency in conducting these courses in the same venue each year. Given the regional aspect of these training courses, we have reached out to our colleagues in the United Nations Regional Economic Commission for the cooperation and support that is essential for conducting the Regional Course for Africa, for Asia-Pacific and the Latin American and the Caribbean in Ethiopia, Thailand and Chile, respectively. I wish to warmly thank them for their essential support and commitment and for providing this wonderful venue for the Regional Course.

It is indeed appropriate to hold this regional course in Chile, which has demonstrated its longstanding commitment to partnership with the United Nations by serving as the home for the United Nations Regional Economic Commission for Latin America and the Caribbean.

In this regard, I would like to express sincere appreciation to the host country, Chile, for agreeing to host the Regional Courses in Santiago and for the warm welcome that you have extended to all of us.

I also seize this opportunity to thank the efforts that my colleagues from the codification division have made to revitalize the Regional courses, among others Ms. Virginia Morris, [who is with us today].

I should add that we have only been able to have these courses of outstanding quality thanks to the continuous cooperation and commitment of the most eminent international lawyers worldwide who have generously and voluntarily accepted to collaborate with the United Nations and who have systemically lectured for these regional courses.

The commitment shown by the combined efforts of the Office of Legal Affairs and our partners, as well as by the Member States in providing regular funding for these Courses, is inherent in the implementation of core principles of the United Nations Charter. As Article 1, paragraph 1 states, a core Purpose of the United Nations is “[to] maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or



settlement of international disputes or situations which might lead to a breach of the peace”.

This is just one example of the central role that international law must play for upholding the Charter and the central concern the Organization places in the value of international law. The lectures and discussions that you as participants will undertake, from addressing environmental concerns to ensuring sustainable development for all to today’s lectures with Judge Riordan on international humanitarian law, are therefore central to your work towards upholding the purposes and principles of the United Nations.

I am delighted to formally open the 2017 United Nations Regional Course in International Law for Latin America and the Caribbean at ECLAC here in Santiago, Chile.

We look forward to continuing this excellent partnership with Chile and ECLAC in the future.

Queridos participantes, les deseo lo mejor durante este curso regional que estoy seguro contribuirá a su desarrollo académico.

Pero mas allá del fortalecimiento del conocimiento, este curso pretende ser una experiencia vital en la que todos ustedes forjen una comunidad. Una comunidad que cree en la fuerza jurídica del derecho internacional, en los valores que lo sustentan, sin olvidar las especificidades del marco regional al que ustedes pertenecen. Una región, la latinoamericana y caribeña, especialmente importante en la historia del derecho internacional público.

Permítanme que concluya precisamente recordando a un eminente jurista internacionalista chileno, Alejandro Álvarez, quien publicaba en París, en 1910, un libro llamado *Le Droit International américain*, El Derecho internacional americano. Alejandro Álvarez, en el Primer Congreso Científico Panamericano que se reunió aquí, en Santiago de Chile, a principios del siglo XX, sostuvo que este Derecho Internacional Regional comprendía no sólo principios y normas jurídicas sino también situaciones, problemas e instituciones. El Instituto Americano de Derecho Internacional se inspiró de su doctrina en los años veinte del pasado siglo para afirmar que la existencia de este derecho regional provenía de las condiciones geográficas, económicas y políticas del Continente americano, de la manera como las nuevas repúblicas nacieron y se incorporaron a la comunidad internacional y de la solidaridad



entre ellas existentes. También añadía, y cito textualmente, que “[e]l derecho internacional americano así comprendido, de modo alguno tiende a establecer un sistema internacional que tenga por objeto separar a las repúblicas de este hemisferio del concierto mundial.”

Pues bien, esa idea de Alejandro Álvarez está también presente y vigente en los cursos regionales de derecho internacional a los que ustedes están participando. Una formación en la universalidad, pero que también es respetuosa de la diversidad de culturas jurídicas.

Que disfruten el curso que comenzó esta semana y tengan suerte y éxito, ahora y a lo largo de su carrera profesional.

Muchas gracias.